
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN DELL LOTT,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:05CR645DAK

Defendant, Justin Dell Lott, has filed a Motion for Early Termination of Supervised Release. On June 27, 2006, Judge Paul G. Cassell sentenced Defendant to a thirty months incarceration followed by forty-eight months of supervised release.¹ Defendant began his period of supervised release twenty-nine months ago in November 2008. Therefore, although Defendant has completed over half of his term of supervised release, his supervised release is not scheduled to terminate until November 2012.

Pursuant to 18 U.S.C. § 3583(e)(1), after considering the factors set forth in Section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), and (a)(6), the court may terminate a term of supervised release “at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” The factors to be considered in Section 3553(a) are those factors to be

¹ Because Judge Cassell is no longer a judge of this court, the case has been reassigned to the undersigned judge.

considered in imposing a sentence, including “the nature and circumstances of the offense and the history and characteristics of the defendant,” the applicable sentencing guidelines and any policy statements issued by the Sentencing Commission, and the need for the sentence imposed to promote respect for the law, to provide just punishment, to deter other criminal conduct, and to provide the defendant with needed services. *See* 18 U.S.C. § 3553(a).

Neither the government nor probation take any position on Defendant’s motion for early termination of supervised release. Defendant United States Probation Officer, however, has indicated to the court that Defendant has done extremely well during his supervised release and has completed all of the conditions of his release. He has successfully completed his required treatment. The court finds it significant that Defendant has a stable and supportive family and he has taken an active role in parenting and has responsibly provided financial resources for his family. Defendant has excelled in his employment and been promoted within his company. The evidence provided to the court demonstrates that Defendant has completely changed his past behavior. His exemplary conduct in his family and work environments demonstrates that he poses little risk of future criminal behavior. Based on Defendant’s present conduct, the court finds that an early termination of supervised release is warranted.

Accordingly, the court grants Defendant’s motion for early termination of supervised release.

DATED this 13th day of April, 2011.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball". The signature is written in a cursive, flowing style.

DALE A. KIMBALL
United States District Judge